BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

NORMA LOPEZ)
Claimant)
VS.)
) Docket No. 253,945
CENTER INDUSTRIES CORPORATION)
Respondent)
AND)
)
HARTFORD ACCIDENT & INDEMNITY)
Insurance Carrier)

ORDER

Respondent and its insurance carrier appeal from the preliminary hearing Order entered by Administrative Law Judge John D. Clark on December 22, 2000.

Issues

Respondent contends that claimant failed to prove that she suffered accidental injury arising out of and in the course of her employment.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments, the Board finds that the Order by the ALJ should be affirmed. Respondent presented evidence to dispute claimant's allegations, both as to the mechanism of injury and as to when the accident occurred. But the ALJ accepted claimant's testimony that she suffered a left hand and wrist injury while cleaning a router machine at work on November 6, 1999. Also, the testimony of Leonorelda Garcia is significant because, while she was called by respondent to refute claimant's testimony concerning how and when she was injured, she ended up also providing testimony which tends to support claimant's contentions.

The ALJ had the opportunity to observe the testimony of the claimant and the other witnesses. The ALJ obviously found the claimant to be a credible witness and accepted her description of the events. The Board generally gives some deference to the ALJ's assessment of credibility of witnesses who have testified before the ALJ. After reviewing the record, the Board concludes it is reasonable to do so in this case and, therefore, affirms the decision of the ALJ ordering medical treatment as specified in the preliminary hearing Order.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order entered by Administrative Law Judge John D. Clark on December 22, 2000, should be, and the same is hereby, affirmed.

IT IS SO ORDERED.

Dated this day of April 2001.

BOARD MEMBER

c: Dennis L. Phelps, Wichita, KS Larry Shoaf, Wichita, KS John D. Clark, Administrative Law Judge Philip S. Harness, Director